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REMARKS

Claims 1 - 34 are pending in the present Application. Claims 14, 19, 20, 25, 26, 33, and 34, have been amended, Claims 35 - 49 have been added, and Claims 1 - 18 and 27 - 32 have been allowed, leaving Claims 19 - 26, and 35 - 49, for consideration upon entry of the present Amendment. The Specification has been amended to correct certain typographical errors and for consistency with the claims.

Claim 14 has been amended merely to correct a grammatical error.

Claims 19 and 33 have been amended to clarify that the detected signature is a multi-wavelength spectral signature, and Claim 33 has further been amended to remove unnecessary limitations. Support for these amendments can at least be found Claim 1 as originally filed as well as in Paragraphs [0030] and [0031].

Claims 26 and 34 have been amended to retain the language consistent with the independent claims from which they depend.

Claim 20 has been amended to merely to clarify "versions thereof". This amendment does not change the scope of the claim, it merely recites the same claim in a different manner. Support for this amendment can at least be found in Claim 20 as originally filed.

Claim 25 has been placed in independent form.

Claims 35 - 48 have been added to further claim the present invention.

Support for Claim 35 can at least be found in Claim 33 as originally filed.

Support for Claim 36 can at least be found in Claim 1 as originally filed.

Support for Claim 37 can at least be found in Paragraph [0070].

Support for Claims 38, 39, and 45 can at least be found in Paragraph [0066].

Support for Claims 40 - 44 can at least be found in Paragraph [0057].

Support for Claim 46 can at least be found in Paragraph [0032].

Support for Claim 47 can at least be found in Paragraph [0030].

Support for Claim 48 can at least be found in Paragraph [0011].

Support for Claim 49 can at least be found in Paragraphs [0049] and [0064].

Support for the amendment to the Specification can at least be found in Claims 12, 13, 14, as originally filed.

No new matter has been introduced by these amendments or new claims.

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Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Information Disclosure Statement

Applicants note that the Examiner has not considered the art submitted in the Information Disclosure Statement submitted on October 13, 2005. Applicants respectfully request that the art submitted in this Information Disclosure Statement be considered and a fully initialed PTO Form A820 be returned to the Applicants.

Specification:

The abstract of the disclosure is objected to because its entire content must fit a single sheet of paper and must not exceed maximum allowed amount of 150 words. Correction is requested. The Abstract has been amended to reduce the number of words. Reconsideration and withdrawal of this objection are respectfully requested.

Claim Rejections Under 35 U.S.C. § 112:

Claim 20 has been rejected under 35 U.S.C. §112, second paragraph. In Claim 20, the phrase "version thereof" allegedly renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. Claim 20 has been amended. Reconsideration and withdrawal of this rejection are respectfully requested.

Allowed and Allowable Subject Matter:

Claims 1 – 18 and 27 – 32 have been allowed.

Claim 25 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 25 has been placed in independent form.

Drawings:

It is noted on the Office Action Summary that the drawing(s) filed on 21 April 2004 are objected to by the Examiner. However, the Office Action does not set forth an explanation of the

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objections. Applicants respectfully request an explanation of the objections either in writing or in a telephone call to the undersigned.

Claim Rejections Under 35 U.S.C. §102(e):

Claims 19 – 24 and 26 stand rejected under 35 U.S.C. §102(e), as allegedly unpatentable over U.S. Publication No: 2005/0163026 to Oshima et al. Applicants respectfully traverse this rejection.

To anticipate a claim, a reference must disclose each and every element of the claim. *Lewmar Marine v. Variant Inc.*, 3 U.S.P.Q.2d 1766 (Fed. Cir. 1987).

The section of Oshima et al. relies upon BCA signals that are recorded on the medium to identify authenticity: “after magnetization[], the BCA portions 220 are recorded as the identifying information...” (Paragraph [0123]) Oshima et al. do not discuss a measurement device capable of detecting a multi-wavelength spectral signature, and a comparator capable of determining if the multi-wavelength spectral signature is from an authentic medium. Hence, for at least these reasons, Oshima et al. fail to anticipate the present claims. It is also noted that the present claims would not be obvious in view of the different process of Oshima et al. Reconsideration and withdrawal of this rejection are respectfully requested.

Claim Rejections Under 35 U.S.C. § 103(a)

Claim 34 stands rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over U.S. Publication No. 2005/0163026 to Oshima, et al. in view of U.S. Publication No. 2002/0025490 to Shchegolikhin et al. Applicants respectfully traverse this rejection.

Shchegolikhin et al. are relied upon to disclose multiple light spectra being employed for comparison. (Office Action, page 4) It is alleged that, at the time of the invention, it would have been obvious to employ the method of verifying an authentic medium as taught by Shchegolikhin et al. so that accuracy in the verification is achieved. (Office Action, page 5)

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a *prima facie* case of obviousness, i.e., that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, contain some suggestion or incentive that would

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have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

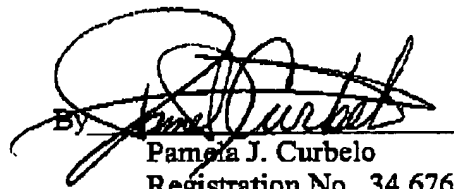
As noted above, Oshima et al. do not discuss the detection of a multi-wavelength spectral signature or comparing a multi-wavelength spectral signature. In order to detect and compare a multi-wavelength spectral signature comprising three distinct spectral ranges as suggested in the Office Action, Oshima et al. would need to change their system and their process. There is no motivation for Oshima et al. to change their process from a BCA process. Obviousness is based upon what an artisan would be motivated to do with an expectation of success, not what an artisan could try. Here, there is no motivation or expectation of success to modify Oshima et al. as suggested in the Office Action. No *prima facie* case of obviousness has been established. Reconsideration and withdrawal of this rejection are respectfully requested.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and withdrawal of the objections and rejections and allowance of the case are respectfully requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 07-0893.

Respectfully submitted,

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